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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,441

Applicant(s)

RAFF, ADAM

Examiner

JAIME M. HOLLIDAY

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-135 is/are pending in the application.
- 4a) Of the above claim(s) 67 and 133 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65 and 131 is/are allowed.
- 6) ☒ Claim(s) 1-64, 66, 68-130, 132, 134 and 135 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed January 14, 2008 have been fully considered but they are not persuasive.

Applicant basically argues that none of the cited references, in particular neither Evans et al. nor Stevens, suggest or teach "a communications device that does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device." Further, Applicant argues that Stevens disclose that the profiles are stored and matched on a server using software, and that the profiles matched are the attributes.

Examiner respectfully disagrees, because Stevens clearly show that the user's profiles are stored on their portable devices (paragraph 17) and ***selected*** portions are transmitted to the area surrounding the user. They are then processed by the received device and an indication of a match is made to the user, which reads on "registering a match." Since the entire profile includes personal information as well as desired characteristics and common interests (paragraph 15), the user decides to transmit requirements (type of profiles sought (paragraph 40)) or attributes (height, eye color, ethnicity (paragraph 15)). Therefore, the match made can only use the requirement (profiles sought), and does not need the user's attributes (personal characteristics). Since the Stevens reference clearly discusses the argued limitations, the secondary references were incorporated to overcome the depending claims.

In view of the preceding arguments, Examiner maintains previous rejections.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. **Claims 1-3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, 66 and 68-69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125 and 132** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Evans et al. (U.S. Patent # 6,690,918 B2)** in view of **Stevens (Pub # U.S. 2004/0014457 A1)**.

Consider **claims 1 and 68**, Evans et al. clearly show and disclose operating communications devices and a method for initiating communication between at least two users of two or more users operating communications devices on a communications network, the devices having a microprocessor, a display, an input control mechanism, and a wireless local-area-network protocol, reading on the claimed "communications method," (col. 2 lines 25-26, 49-51), comprising: local (real) profiles that reflect personal data such as appearance, interests, hobbies, income, marital status, and may include temporary information stored on each of the participating communications devices, reading on the claimed "memory adapted to store at least one profile of a user of the device, wherein the said at least one profile contains predetermined attributes and requirements of the user," (col. 2 lines 33-34, col. 8 lines 7-9); receiving profiles, each communications device receiving profiles from other participating communications devices, reading on the claimed "transceiver adapted to transmit information relating to the said requirements to a compatible device and receive

information relating to requirements of the said compatible device," (col. 2 lines 30-32); comparing the received profiles to local profiles stored on each of the participating communications devices, the matching performed according to priority criteria, reading on the claimed "controller adapted to register a match between the said device and the said compatible device, only when the said attributes match the said requirements of the said compatible device," (col. 2 lines 32-37); if a match occurs, the device making the match beeps, vibrates, or alerts the user in some other fashion, reading on the claimed "a user alert adapted to alert a user when the controller has established that a match has been made," (col. 6 lines 47-50); initiating communication between the communications devices involved in the profile match, the communication initiated from the device registering the profile match and microprocessor that enables each device to match received (real) profiles with profiles (request) already stored, reading on the claimed "wherein the transceiver is further adapted to transmit a first match signal to the compatible device when the controller has established that a match has been made," (col. 2 lines 36-41).

However, Evans et al. fail to specifically disclose that received profile does not include personal information (attributes).

In the same field of endeavor, Stevens clearly shows and discloses a system and method that provides a portable device for storing either all or portions of the user's information or for accessing via the Internet the information stored or linked to in the user's web page. The portable device can be carried by

the user and used for match-making, finding others with common interest either business or personally related, and for performing various business and financial transactions. In a match-making or finding others with common interest setting, the portable device is designed to transmit selected portions of these user's profile to the general area surrounding the user. Other users receive this information where it is processed, while the user also receives information from the other users. The received user profile information is compared to the user's selected preferences. If a particular user meets the desired characteristics, an indication of a match is made to the user, (paragraph 16, 17). The system and method of the present invention allows a user to enter various information concerning themselves into a web-page for access and display via the Internet or an intranet. The user may include general information about themselves, such as their occupation, background, etc. The user can segregate the information such that only certain individuals can gain access to certain records. The web page may also include a personal section that allows the user to input certain characteristics of themselves. These characteristic may describe the user, such as ethnicity, body type, hair and eye color, etc., and it may describe the user's hobbies, businesses in which the are engaged, etc. The user may also enter certain characteristics that they are looking for in others. This may be match-making characteristics or it may be characteristics related to a hobby of interest, etc. The user can make certain portions of this information accessible via the Internet so that other users may view their information. In a match-making

environment, other users may view the user's information to see if there are common interests, (paragraphs 14, 15). As an alternative to, or in addition to, storing the user profile in the memory **46** of the portable user device, the portable user device may access a portion or all of the appropriate user profile that is stored in a server or database that is in communication with the network **12** each time the user requests any type of action that involves his user profile. The processor **56** may also include software that is capable of comparing other user profiles received by the portable user device via the antenna **40** and the receiver **42** with the user's profile, particularly the part of the user's profile that specifies the type of profiles sought in other users, reading on the claimed "communications device comprising: a memory adapted to store at least one profile of a user of the device, wherein the said at least one profile contains predetermined attributes and requirements of the user, a transceiver adapted to transmit information relating to the said requirements to a compatible device and receive information relating to requirements of the said compatible device; a controller adapted to register a match between the said device and the said compatible device, only when the said attributes match the said requirements of the said compatible device, wherein the said device does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device," (paragraphs 47, 48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to select that portions of a profile to share

that will allow exclusion of private information as taught by Stevens in the communications device of Evans et al., in order to efficiently exchange and match profiles.

Consider **claims 2 and 69**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1 and 68 above**, respectively, and in addition, Evans et al. further disclose if a match, or in some embodiments, a partial match occurs, the device making the match beeps, vibrates, or alerts the user in some other fashion, and if a device is paged because of a matching profile, the owner of the device can see the real profile of the user operating the paging device, reading on the claimed "user alert is further adapted to alert the user only when the controller has established that a match has been made and that a match signal has been received from the compatible device, said match signal indicating that the compatible device has registered a corresponding match," (col. 6 lines 47-50, 59-62).

Consider **claim 3**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Evans et al. further disclose the communications devices have a display, reading on the claimed "the device further comprises a display," (col. 2 lines 48-49).

Consider **claims 12, 13, 78 and 79**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1 and 68 above**, respectively, and in addition, Evans et al. further disclose that if a match occurs, the device making the match beeps, vibrates, or alerts the user in some

other fashion, reading on the claimed "user alert is adapted to provide an audible indication to the user; user alert is adapted to provide a vibrating indication to the user," (col. 6 lines 47-50).

Consider **claims 21 and 87**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1 and 68 above**, respectively, and in addition, Evans et al. further disclose that the "real" and request" profiles are created by the users, reading on the claimed "attributes and requirements of the or each said profile are determined by the user," (col. 6 lines 1-8).

Consider **claims 28, 29, 30 and 94, 95, 96**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1, 28 and 6, 94**, respectively, and in addition, Evans et al. further disclose a user may also signify a time period wherein the profiles may be considered active. For example, "activate this profile set from 6pm to 11pm tonight," reading on the claimed "device further comprises a timer and a timing register, and wherein the timing register is adapted to store timing information for the or each said profile; timing information comprises a predetermined active period for the or each said profile; timing information comprises a schedule relating to the activation and deactivation of the or each said profile at user defined times," (col. 8 lines 25-27).

Consider **claims 34 and 100**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1 and 68 above**, respectively, and in addition, Evans et al. further disclose that the device may

share profiles locally, receive profiles from the Internet, and match then with other profiles of other users. The service provider may interface with Internet-capable devices in order to receive profile information, and location information comprising the name and location of the nightclub, reading on the claimed "device further comprises a probe alert, the said probe alert being adapted to aid the user physically to locate the user of the compatible device once a match has been established," (col. 7 line 59- col. 8 line 1).

Consider **claims 38, 39, 104 and 105**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 34 and 100 above**, respectively, and in addition, Evans et al. further disclose that if a match occurs, the device making the match beeps, vibrates, or alerts the user in some other fashion, reading on the claimed "probe alert is adapted to provide an audible location indication; probe alert is adapted to provide a vibrating location indication," (col. 6 lines 47-50).

Consider **claims 48, 49, 50 and 114, 115, 116**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1, 48 and 68, 114**, respectively, and in addition, Evans et al. further disclose that the communication network comprises a wireless local-area-network (LAN), which is enabled by Bluetooth, which provides a communication protocol for local device communication. The devices directly communicated, using radio signals, with one another only within an operable communication range, reading on the claimed "transceiver is adapted to exchange information

with the compatible device using short range wireless communications; short range wireless communications employs radio or microwave transmission; wireless communication employs Bluetooth or Wi-Fi transmission," (col. 4 lines 32-39, col. 5 lines 19-21).

Consider **claims 51, 53, 117 and 119**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 48, 1, 114 and 68 above**, respectively, and in addition, Evans et al. further disclose that the communication network comprises a wireless local-area-network (LAN), a wireless data network, a cellular network, Internet and users. The system provides a location-sensitive prioritized profiling-matching service, reading on the claimed "wireless communication employs any location aware telecommunications network; transceiver is adapted to exchange information with the compatible device using long range wireless communications," (col. 4 lines 21-22, 32-35).

Consider **claims 54, 55, 56 and 120, 121, 122**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1, 54, 55 and 68, 120, 121**, respectively, and in addition, Evans et al. further disclose that the communication devices is a Web-enabled cellular telephone, reading on the claimed "device is a portable device; portable device is any one of, or a combination of: a mobile telephone, a PDA, a pager, a palmtop computer, a notebook computer or a laptop computer; device is further adapted to perform any one of, or a combination of: populating the or each said profile,

creating new profiles, connecting to the Internet or accessing email or MMS attachments and downloading new profiles," (col. 2 lines 56-57).

Consider **claims 57, 58, 59 and 123, 124, 125**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 1, 57 and 68, 123**, respectively, and in addition, Evans et al. further disclose a file server having a database connected the Internet and adapted for performing receiving profiled, comparing received profiles to local profiled, matching performed according to priority criteria, registering at least one match of profiles, identifying the sending device of the highest priority profile matched, and initiating communication between communication devices, on behalf of the web-enabled cellular phone, reading on the claimed "device is not portable; device is any of: a personal computer, workstation, server, or terminal; device is adapted to perform any one of, or a combination of: populating the or each said profile, creating new profiles, connecting to the Internet or accessing email or MMS attachments and downloading new profiles," (col. 2 lines 29-61).

Consider **claims 66 and 132**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention **as applied to claims 51 and 117 above**, respectively, and in addition, Evans et al. further disclose that a hand-held device is capable of storing many downloaded profiles as illustrated by a database 45 installed therein. The device may share profiles locally, receive profiles from the Internet, and match them with the profiles of other users. The service provider may interface with any user operating Internet-capable devices

through the server in order to the receive profile information, and location information comprising the name and the location of the nightclub. The server stores the information in the repository tagged to the sending user identification, reading on the claimed "device is adapted to upload the or each said profile to a central database, said central database being adapted to store location information relating to the users; and match users based on the attributes and requirements of the or each said profile and the location information relating to the users," (col. 7 line 59- col. 8 line 3).

3. **Claims 4-11, 14-20, 22-27, 31-33, 37, 40-43, 45-47, 52, 60-64, 70-77, 80-86, 88-93, 97-99, 103, 106-109, 111-113, 118, 126-130, 134 and 135** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Evans et al. (U.S. Patent # 6,690,918 B2)** in view of **Stevens (Pub # U.S. 2004/0014457 A1)**, and in further view of **Carlton et al. (Pub # U.S. 2004/0203363 A1)**.

Consider **claims 4 and 70**, and as **applied to claims 3 and 68 above**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the display of the communications device displays an indication of the profiles stored in the device.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a

memory, a transceiver and a controller," (paragraphs 18-21). Apparatus **101** comprises a display **104**, for interaction with the user of the portable communication apparatus. In standby mode, the display may, for example, indicate various graphical elements such as icons, buttons and dialog boxes that emanate from the application software such as various modules **800-816**, which are responsible for different tasks, such as profile data management (editing, storing and loading of WIA ("Who I am") profiles **213/217**), reading on the claimed "display is adapted to display an indication of the or each profile stored in the device," (paragraphs 57 and 91).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to display stored profiles as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match profiles.

Consider **claims 5 and 71**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 4 and 70 above**, respectively, and in addition, Evans et al. further disclose a user may also signify a time period wherein the profiles may be considered active, reading on the claimed "device is further adapted to allow the user to designate which of the stored at least one profiles the user designates as active; the said memory is further adapted to store an indication of the active profile or profiles; and the communicator is further adapted to exchange

information with a compatible device based only on the active profile or profiles," (col. 8 lines 25-26).

Consider **claims 6 and 72**, Evans et al., as modified by Carlton et al., disclose the claimed invention **as applied to claims 5 and 71 above**, respectively, and in addition, Evans et al. further disclose device **42** can be similar in operation to a paging device and has at least a display screen, a limited key-pad, and a capability of receiving and sending messages from and to other like devices, reading on the claimed "device further comprises a keypad, said keypad being adapted to allow a user to activate a profile from those stored in the device," (col. 6 lines 26-29). Since the keypad functions as the input device, it is inherent that it will be used to activate a profile.

Consider **claims 7 and 73**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 5 and 72 above**, respectively, and in addition, Carlton et al. further disclose the communications apparatus comprises a display that may display various graphical elements such as icons, buttons and dialog boxes that emanate from the application software, reading on the claimed "using the display to display an indication of the active profile or profiles," (paragraph 91). Since the display functions to display icons that emanate from the application software, it is inherent that the activated profiles using the software will display.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to display stored profiles as taught by

Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 8 and 74**, and **as applied to claims 1 and 68 above**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communications device comprises a combination of volatile and non-volatile memory.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The portable communication apparatus stores a Top list **1402**, a Buddy list **1404**, a Blocked list **1406** and a Device list **1408**. The lists **1402-1406** are stored in non-volatile memory (EEPROM memory **311c**), but the contents thereof are merged into the Device list upon application initialization. The Device list is temporarily stored in volatile work memory (SRAM memory **311b**) for optimum performance, and the contents thereof is lost when the apparatus is turned off, reading on the claimed "memory comprises a combination of volatile and non-volatile memory," (paragraph 110).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store temporary files in volatile memory as taught by Carlton et al. in the communications device of Evans et al., as

modified by Stevens, in order to function as a cache memory (Carlton et al.; paragraph 110).

Consider **claims 9, 11, 75 and 77**, and as applied to **claims 1, 9, 68 and 75**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communications device comprises a visual alert.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The portable communication apparatus has alerting means such as a buzzer **312a** for emitting ring tones, a vibrator **312b** for a more discrete alerting and an **LED 312c** for emitting light. The display **304** and the keyboard **305** together with these alerting means jointly form a user interface, reading on the claimed "user alert is adapted to provide a visual indication to the user; user alert comprises at least one LED," (paragraph 63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to alert a user visually as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 10 and 76**, and **as applied to claims 3 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communications device comprises a visual alert on the display.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The apparatus can emit different types of alerts according to the user's choice. A discrete type of alert is a visual one, such as an indication in the display or a flashing lamp on the apparatus, reading on the claimed "user alert is adapted to provide the visual indication using the display," (paragraph 148).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to alert a user visually as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 14 and 80**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that a profile comprises a self-describing data file, which comprises at least one field.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). For each user **201, 203, 205, 207** of the respective apparatus **202, 204, 206, 208** there will be defined a WIA ("Who I am") profile, representing the user himself/herself, reading on the claimed "profile comprises a self-describing data file, each self-describing data file comprising at least one field," (fig. 12, paragraph 99).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a profile representing the user as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 15 and 81**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that a profile comprises a plurality of possible field types.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). Each profile will

consist of a large number of parameters grouped into different categories. The layout (order) of the parameters will be fixed, and the layout definition (grouping, attribute texts, etc) will be saved in the flash memory **311a**, reading on the claimed "each said profile comprises at least one of a plurality of possible field types," (fig. 12, paragraph 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a profile with multiple parameters and attributes as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 16, 17, 82 and 83**, and **as applied to claims 1 and 68 above**, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that a profile comprises one or more sets of fields of a keyword type, and a field that has a mandatory flag.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). Each profile may include two categories of match-making parameters; Must-Match parameters and Query parameters. The Must-Match parameters are of crucial nature, in this exemplifying embodiment, and must be completely fulfilled for two persons, for

there to be any chance at all for a match between them. The Must-Match parameters are: Gender (**1201**), Sexual orientation (**1202**), Age (**1203**), Marital status (**1204**), Education (**1205**) and Body type (**1206**), reading on the claimed "profile comprises one or more sets of fields of a keyword type, said one or more sets of fields allowing matching to be performed against user determined free text; profile comprises a field that can contain a mandatory flag, the said mandatory flag indicating to the device whether blank fields are required to always or never be matched against," (fig. 12, paragraphs 101-102).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a profile that includes keywords that may be used to match with others as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 18 and 84**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communication device matches multiple instances of the same profile.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The analysis of the

correlation between the WIA and WIWLTm profiles received from another apparatus and the corresponding local profiles stored in the apparatus **201** may be performed by the AppProfile module **806** in different ways. In one embodiment, the analysis is divided into two steps, where the first step concerns the Must-Match parameters and the second step concerns the Query parameters but is only performed if the outcome of the Must-Match analysis is positive. More specifically, in the first step the Must-Match parameters of the WIA profile **213** associated with the user **202** are compared to the Must-Match parameters of the WIWLTm profile **218** associated with the user **204** of the other apparatus **203**, and the result of the comparison is a first value of correlation. The first value of correlation, which may be a number between 0 and 1, is a measure of how well the user **202** matches the desires of the user **204**; a value of 1 indicates a complete match, whereas a value of 0 indicates no match at all. Then, in a corresponding manner, the Must-Match parameters of the WIWLTm profile **214** associated with the user **202** are compared to the Must-Match parameters of the WIA profile **217** associated with the user **204** of the other apparatus **203**, and the result of this comparison is a second value of correlation, reading on the claimed “memory is adapted to store multiple instances of the same profile type; wherein the device is adapted to: match all the multiple instances of the same profile in a matching process that involves transmitting a two dimensional matrix of flags that indicate a match or no match, the columns of said matrix being indexed on the instances of the profile stored in the memory; receive a corresponding two

dimensional matrix from the compatible device; transform the received matrix; and compare the transformed received matrix with the sent matrix to identify any and all matches for this profile type," (paragraph 107).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have matched two different sets of attributes from both users as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 19 and 85, and as applied to claims 1 and 68,** respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that a profile comprises a unique profile ID.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). Each profile will consist of a large number of parameters grouped into different categories. The layout (order) of the parameters will be fixed, and the layout definition (grouping, attribute texts, etc) will be saved in the flash memory **311a**, (fig. 12, paragraph 100). Associated with the sender's "Who I would like to meet" profile is additional personal information and a unique apparatus-specific user-ID, both of which are also stored locally in the apparatuses, reading on the claimed "profile comprises

a header section, the header section comprising a unique profile ID of the respective profile,” (paragraph 48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have identity the type of profile and the user as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 20 and 86**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 19 and 85 above**, respectively, and in addition, Carlton et al. further disclose that the unique apparatus-specific user-ID of the portable communication apparatus is formed by a 48-bit Bluetooth address (known as BD address in the Bluetooth specification), which is associated with the individual Bluetooth transceiver **309**, reading on the claimed “header section is the only section of the or each said profile that cannot be modified by the user,” (paragraph 60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the ID reflect the address of Bluetooth transceiver as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to identify the user and device of the exchanged profiles.

Consider **claims 22 and 88**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the

claimed invention except that the communication device can communicate with a computer.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The portable communication apparatus has a connector for connecting the portable communication apparatus to an external computer **308**, reading on the claimed "device is adapted to communicate with a suitably programmed computer," (paragraph 58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication apparatus connect to a computer as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently create profiles to be matched.

Consider **claims 23 and 89**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 22 and 88 above**, respectively, and in addition, Carlton et al. further disclose that the connector provides a serial interface to the external computer and comprises, an RS232 interface as well as a USB interface. It also makes it possible to power/charge the apparatus while connected, as USB also provides

power through its communication cable, reading on the claimed "device is adapted to communicate with the suitably programmed computer using a cable connection between the device and the suitably programmed computer," (paragraph 71).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication apparatus connect to a computer as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently create profiles to be matched.

Consider **claims 23 and 89**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 22 and 88 above**, respectively, and in addition, Carlton et al. further disclose that the communication between the external computer and the portable communication apparatus may be performed wirelessly, i.e. the connector is replaced by a wireless interface such as IrDA or, in fact, Bluetooth, reading on the claimed "device is adapted to communicate with the suitably programmed computer using the said transceiver," (paragraph 73).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication apparatus connect to a computer as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently create profiles to be matched.

Consider **claims 25, 26, 91 and 92**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 22 and 88 above**, respectively, and in addition, Carlton et al. further disclose that for the storing of information in the portable communication apparatus, i.e. information needed for the function of the portable communication apparatus, such as program code and static data, information entered by the user of the portable communication apparatus, and information received from remote portable communication apparatuses according to the invention, the portable communication apparatus comprises memory means, reading on the claimed "device is adapted to store the populated at least one profile, upon receipt of information relating to the said attributes and requirements from the said computer; device is adapted to store new profile types, upon receipt of information relating to the said new profile types from the said suitably programmed computer," (paragraph 62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication apparatus connect to a computer as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently create profiles to be matched.

Consider **claims 27 and 93**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 26 and 82 above**, respectively, and in addition, Evans et al. further

disclose that the user may download real profiles for matching with their request profile locally on the PC. Internet enables remote users to browse locations and associated profiles, reading on the claimed "information relating to the said new profile types has been downloaded to the said suitably programmed computer from any of the Internet, an email attachment, or a MMS attachment," (col. 7 lines 13-15, 40-41).

Consider **claims 31 and 97**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communication device has a unique ID.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The unique apparatus-specific user-ID of the portable communication apparatus is formed by a 48-bit Bluetooth address, which is associated with the individual Bluetooth transceiver, reading on the claimed "device is further adapted to store a unique ID of the device," (paragraph 60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the ID reflect the address of Bluetooth transceiver as taught by Carlton et al. in the communications device of

Evans et al., as modified by Stevens, in order to identify the user and device of the exchanged profiles.

Consider **claims 32 and 98**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the unique IDs of compatible devices are saved in a recent encounters cache.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). On the receiving end, each apparatus will perform a correlation analysis between the incoming "Who I would like to meet" profile and the receiver's own "Who I am" profile. If the correlation or percent match between the two profiles meets or exceeds a user pre-set matching level, the original sender's additional personal information and apparatus-specific user-ID will be stored in memory, reading on the claimed "memory comprises a recent encounters cache, the said recent encounters cache comprising a list of received unique IDs of compatible devices that have communicated with the device," (paragraph 49).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to save recent correlation analysis between receiver's and sender's profiles as taught by Carlton et al. in the

communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 33 and 99**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that a list of blacklisted devices are saved.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). A Blocked list **1406** allows the user to prevent further communication from another apparatus. This may be useful for stopping involuntary harassments, spam messages through the ask-questions functionality, etc. The Blocked list is stored in non-volatile memory, reading on the claimed "device is further adapted to allow the user to blacklist compatible devices after the establishment of a match, and wherein the memory comprises a blacklist cache, the said blacklist cache comprising a list of received unique IDs of compatible devices that the user has blacklisted," (paragraphs 110, 115).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to a list of blocked devices as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to prevent harassment while attempting to perform matches.

Consider **claims 37 and 103**, and **as applied to claims 34 and 100 above**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communications device comprises a visual alert on the display.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The apparatus can emit different types of alerts according to the user's choice. A discrete type of alert is a visual one, such as an indication in the display or a flashing lamp on the apparatus, reading on the claimed "probe alert is adapted to provide the visual location indication to the user using the display," (paragraph 148).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to alert a user visually as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 40 and 106**, and **as applied to claims 1 and 68**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communication device stores a handle.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote

communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). An apparatus will detect, without the knowledge of either the sending or receiving party, when other apparatuses are within the same short-range area and, upon recognition, exchange encrypted and confidential profile information to any and all of these other apparatuses across wireless links. Associated with the sender's "Who I would like to meet" profile is additional personal information. The additional personal information may also include a user-friendly name, a text message and/or binary data such as a personal ring signal, reading on the claimed "device is further adapted to store at least one handle, the or each said handle generally comprising a string of characters, and wherein the device is adapted to enable the or each said handle to be sent to the compatible device on the establishment of a match," (paragraph 48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made store a user-friendly name as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 41 and 107**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 40 and 106 above**, respectively, and in addition, Evans et al. further disclose that a user may upload a request profile to a server and have it matched

with real profiles stored in a repository. The user may select to send a notice and real profile to the owner of a device whose profile matched the request profile of the user, reading on the claimed "handle comprises information pertaining to the established match," (col. 7 lines 40-49).

Consider **claims 42 and 108**, and **as applied to claims 1 and 68**, respectively, Evans et al. as modified by Carlton et al, clearly show and disclose the claimed invention except that previously established matches are stored.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). An AppList module supports several lists, Top list, a Buddy list, a Blocked list and a Device list, of which the Top List, Buddy List, and Blocked List, are stored in the non-volatile memory of the communication device (paragraph 110). The Top list is a high score list which stores the X best historical matches in the apparatus, so that the user can access them at any time, reading on the claimed "memory is further adapted to store a match log, the said match log comprising information regarding previously established matches," (paragraph 111).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store the best historical matches as

taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently match profiles, and meet people.

Consider **claims 43 and 19**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 40 and 106 above**, respectively, and in addition, Carlton et al. further disclose an AppList module supports several lists, Top list, a Buddy list, a Blocked list and a Device list, of which the Top List, Buddy List, and Blocked List, are stored in the non-volatile memory of the communication device (paragraph 110). The Top list is a high score list which stores the X best historical matches in the apparatus, so that the user can access them at any time. For each match on the Top list, the following data may be stored: Apparatus-specific user-ID; User-friendly name; Contact information; Correlation factor, reading on the claimed "memory is further adapted to store a match log, the match log comprising information regarding previously established matches and a unique ID of each previously matched compatible device along with match information comprised in any received handles," (paragraph 111).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store the best historical matches and any related data as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently match profiles, and meet people.

Consider **claims 45 and 111**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 42 and 108 above**, respectively, and in addition, Carlton et al. further disclose that the portable communication apparatus has a connector for connecting the portable communication apparatus to an external computer **308**, reading on the claimed "device is further adapted to communicate with a suitably programmed computer, and to upload the contents of the match log to the suitably programmed computer," (paragraph 58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the communication apparatus connect to a computer as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently store profiles.

Consider **claims 46, 47, 112, and 113**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 19, 46, 85 and 112**, respectively, and in addition, Carlton et al. further disclose an AppList module that supports several lists: a Top list, a Buddy list, a Blocked list, and a Device list. The Buddy list allows the user to store links, in the form of apparatus-specific user-IDs, to other apparatuses belonging to friends, family members, etc. The Buddy list may have the following format: Apparatus-specific user-ID; User-friendly name; Class of device, reading on the claimed "memory is adapted to store only profiles that comprise a predetermined flag in the header section; predetermined flag is formed from a number of bits of

the Profile ID, and wherein the device is adapted to only match with compatible devices that have at least one stored profile with an identical corresponding bit set of the predetermined flag," (paragraphs 110, 112).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store certain types of profiles of particular users as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 52 and 118**, and **as applied to claims 51 and 117**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the communication system employs third generation transmission.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The apparatus according to the present invention may, for example, be realized as a separate, stand-alone unit, or may alternatively be included in, or combined with, a mobile terminal for a telecommunications network, such as GSM, UMTS, GPS, GPRS or D-AMPS, or another portable device of existing type, such as a PDA or a

palmtop computer, reading on the claimed "location aware telecommunications network employs 3G transmission," (paragraph 172).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a matching system using the most up-to-date technology as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently match profiles, and meet people.

Consider **claims 60 and 126**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 14 and 80 above**, respectively, and in addition, Carlton et al. further disclose that each profile will consist of a large number of parameters grouped into different categories. The layout (order) of the parameters will be fixed, and the layout definition (grouping, attribute texts, etc) will be saved in the flash memory, reading on the claimed "memory is adapted to store at least one profile that is a symmetric profile, the said symmetric profile comprising a set of attributes and requirements fields which is adapted to be symmetric with respect to that of a compatible device. When a remote apparatus sends over its WIWLTm profile and the Must-Match part of its WIA profile to a local apparatus, the received profiles, too, will be placed in the SRAM memory, to be processed and compared with the local profiles during the match-making process," (paragraph 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a fixed format for profiles as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 61, 63, 127 and 129**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 14, 61, 80 and 127**, respectively, and in addition, Evans et al. further disclose that the service provider may provide, through the server, generic profile templates for population and submission. The user may create his or her own profiles having categories not already provided in the template, reading on the claimed "memory is adapted to store at least one profile that is an asymmetric profile, the said asymmetric profile comprising a set of attributes and requirements fields that is adapted to be asymmetric with respect to that of a compatible device; asymmetric profile comprises multiple instances of the attributes of the user," (col. 8 lines 5-22).

Consider **claims 62 and 128**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 61 and 127 above**, respectively, and in addition, Carlton et al. further disclose that each profile will consist of a large number of parameters grouped into different categories. The layout (order) of the parameters will be fixed, and the layout definition (grouping, attribute texts, etc) will be saved in the flash

memory, reading on the claimed "device is adapted to store an indication of whether the user is a provider or a finder in the profile," (paragraph 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store local profiles as well as received profiles in order to compare as taught by Carlton et al. in the communications device of Evans et al., as modified by Stevens, in order to efficiently exchange and match active profiles.

Consider **claims 64 and 130**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 14, 61, 80 and 127**, respectively, and in addition, Evans et al. further disclose that the device may receive and send profile information from and to a server at the service provider, reading on the claimed "device is adapted to populate the attributes of the said asymmetric profile by referencing an external database, the said external database being stored on any of a LAN, a WAN, personal computer, workstation, server, terminal or the Internet," (col. 7 lines 11-13).

Consider **claims 134 and 135**, the combination of Evans et al. and Stevens, as modified by Carlton et al., disclose the claimed invention **as applied to claims 60 and 61**, respectively, and in addition, Evans et al. further disclose a system for anonymously initiating communication between system-connected communications devices, the initiation of communication resulting from comparison and priority matching of profile information shared between the

devices provided, which include at least a microprocessor. When any two of the devices come into short-wave radio range of each other, and the devices are activated, a WLAN is established and the in-range devices swap profiles, which are compared to profiles held locally on each device, reading on the claimed "communications system comprising at least two communication devices, wherein the controller of each device is respectively adapted to register a match between the device and the other device based on the symmetric profile, wherein the system is adapted to treat the attributes and requirements of each respective user equally; communications system comprising at least two communication devices, wherein the controller of each device is respectively adapted to register a match between the device and the other device based on the asymmetric profile, wherein the system is adapted to treat the attributes and requirements of each respective user differently," (col. 3 lines 5-24).

4. **Claims 35 and 101** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Evans et al. (U.S. Patent # 6,690,918 B2)** in view of **Stevens (Pub # U.S. 2004/0014457 A1)**, and in further view of **De Vries (U.S. Patent # 6,968,179 B1)**.

Consider **claims 35 and 101**, and as applied to **claims 34 and 100 above**, respectively, Evans et al., as modified by Stevens, clearly show and disclose the claimed invention except that the display of the communications device displays an indication of the users visual location.

In the same field of endeavor, De Vries clearly shows and discloses providing user contextual information services based on place and people via mobile telecommunications devices, such as to facilitate in-person social interaction with those that the user has established relationships. The information service processes information, as to the people with whom the user has established relationships and the location of those people are reported by their mobile personal devices, so as to provide place-specific notifications to the user. The notifications and search results may take the form of an audible alarm, voice, textual display, or graphical display (col. 2 lines 14-35). The information service can provide information in addition to proximity or non-proximity, such as actually detailing the location of a person or persons on the user's buddy list, reading on the claimed "probe alert is adapted to provide a visual location indication to the user," (col. 10 lines 64-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to be able to determine the location of another user as taught by De Vries in the communications device of Evans et al., as modified by Stevens, in order to efficiently meet users with matched profiles.

5. **Claims 36 and 102** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Evans et al. (U.S. Patent # 6,690,918 B2)** and **Stevens (Pub # U.S. 2004/0014457 A1)** in view of **De Vries (U.S. Patent # 6,968,179 B1)**, and in further view of **Carlton et al. (Pub # U.S. 2004/0203363 A1)**.

Consider **claims 36 and 102**, and **as applied to claims 35 and 101 above**, respectively, the combination of Evans et al. and Stevens, as modified by De Vries, clearly show and disclose the claimed invention except that the alert comprises a LED.

In the same field of endeavor, Carlton et al. clearly show and disclose portable communication apparatus for match-making with a plurality of remote communication apparatuses, comprising memory means, a transceiver, and a processing device, reading on the claimed "communication s device comprising a memory, a transceiver and a controller," (paragraphs 18-21). The portable communication apparatus has alerting means such as a buzzer **312a** for emitting ring tones, a vibrator **312b** for a more discrete alerting and an **LED 312c** for emitting light. The display **304** and the keyboard **305** together with these alerting means jointly form a user interface, reading on the claimed "probe alert comprises at least one LED," (paragraph 63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to alert a user visually as taught by Carlton et al. in the communications device of Evans et al. and Stevens, as modified by De Vries, in order to efficiently exchange and match active profiles.

6. **Claims 44 and 110** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Evans et al. (U.S. Patent # 6,690,918 B2)** and **Stevens (Pub #**

U.S. 2004/0014457 A1) in view of **Carlton et al. (Pub # U.S. 2004/0203363 A1)**, and in further view of **Fraccaroli (U.S. Patent # 6,549,768 B1)**.

Consider **claims 44 and 110**, and as applied to **claims 42 and 108 above**, respectively, the combination of Evans et al. and Stevens, as modified by Carlton et al., clearly show and disclose the claimed invention except that list of historic matches also comprises information about those that didn't match.

In the same field of endeavor, Fraccaroli clearly show and disclose initiating contact through the handset of a person in a manner sensitive to the location of the person in a cell or other area of a wireless communication. The persons are matched with each other. A user page may include a logbook 203 that stores each of the matches that have previously occurred for that user. Each entry of the logbook can contain all of the information provided to the user in the message signal informing then of a match. The logbook provides the user with an electronic journal in which notes and comments can be entered concerning the match. The user can preferably operate the logbook so that a certain match should be disregarded in the further. With such a feature, each match is cross-checked against the logbook of the handset and the match is announced to the user only if the logbook does not indicate that the match is disapproved by the user, reading on the claimed "match log further comprises information regarding details of communications between the device and compatible devices that did not result in a match," (fig. 2, col. 2 lines 16-22, col. 9 lines 24-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store notes and comments to prevent a future match as taught by Fraccaroli in the communications device of Evans et al. and Stevens, as modified by Carlton et al., in order to efficiently exchange and match active profiles.

Allowable Subject Matter

7. **Claims 65 and 131** are allowed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAIME M. HOLLIDAY whose telephone number is (571)272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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